

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

10 JOSEPH CIAMPI,) Case No.: 09-CV-02655-LHK
11 Plaintiff,)
12 v.) ORDER STRIKING FIRST AMENDED
13 CITY OF PALO ALTO, a government entity;) COMPLAINT; SETTING EXPEDITED
14 LYNNE JOHNSON, an individual; CHIEF) BRIEFING SCHEDULE ON MOTION
15 DENNIS BURNS, an individual; OFFICER) FOR LEAVE TO AMEND
16 KELLY BURGER, an individual; OFFICER)
17 MANUEL TEMORES, an individual; OFFICER)
18 APRIL WAGNER, an individual; AGENT DAN)
19 RYAN; SERGEANT NATASHA POWERS,)
individual,)
Defendants.)

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20 Defendants' Motion to Strike Plaintiff's First Amended Complaint ("FAC") is currently set
21 for hearing on December 16, 2010. However, on November 22, 2010, Plaintiff filed a motion in
22 which he conceded that the FAC was improperly filed and requested that the Court strike the FAC.
23 Because all parties now agree that the FAC should be stricken, the Court hereby STRIKES
24 Plaintiff's First Amended Complaint.

25 In his motion, Plaintiff further seeks leave of the Court to file a Second Amended
26 Complaint ("SAC") and requests that the Court hear this motion at the hearing previously
27 scheduled for December 16, 2010. The proposed SAC attached to Plaintiff's motion appears to be
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1 substantially similar, if not identical, to the FAC that Defendants previously moved to strike, and
2 Plaintiff's motion presents the limited issue of whether he should be granted leave to amend.
3 Accordingly, the Court finds that Defendants will not be prejudiced if Plaintiff's motion for leave
4 to amend is heard on December 16, 2010. The Court therefore sets the following expedited
5 briefing schedule:

6 (1) Defendants shall file an opposition, or statement of non-opposition, to Plaintiff's motion
7 for leave to amend by Monday, December 6, 2010.
8 (2) Plaintiff shall file a reply, if any, by Friday, December 10, 2010.

9 A Case Management Conference will be held as previously scheduled to follow the motion hearing
10 on December 16, 2010.

11 **IT IS SO ORDERED.**

12 Dated: November 23, 2010



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14 LUCY H. KOH
United States District Judge